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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

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15 JOSE R. FERNANDEZ,) CIVIL NO. 09-02762 CRB
16 Plaintiff,)
17 v.) STIPULATION FOR THE AWARD AND
18 MICHAEL J. ASTRUE,) PAYMENT OF ATTORNEY FEES
Commissioner of) PURSUANT TO THE EQUAL ACCESS TO
Social Security,) JUSTICE ACT, 28 U.S.C. § 2412(d), AND
19) COSTS PURSUANT TO 28 U.S.C. § 1920
Defendant.)
20 _____)

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22 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
23 Justice Act (EAJA), in the amount of FIVE THOUSAND FIVE HUNDRED dollars (\$5,500) and costs
24 in the amount of ONE HUNDRED EIGHTEEN DOLLARS AND FORTY-FOUR CENTS (\$118.44).
This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
25 connection with this civil action, in accordance with 28 U.S.C. §§ 1920 and 2412(d).
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28 After the Court issues an order for EAJA fees and costs to Plaintiff, the government will consider

1 the matter of Plaintiff's assignment of EAJA fees and costs to Plaintiff's attorney. Pursuant to *Astrue v.*
2 *Ratliff*, – S.Ct. – , 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the assignment will
3 depend on whether the fees and costs are subject to any offset allowed under the United States
4 Department of the Treasury's Offset Program. After the order for EAJA fees and costs is entered, the
5 government will determine whether they are subject to any offset.

6 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury
7 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
8 fees and costs to be made directly to Barbara M. Rizzo pursuant to the assignment executed by Plaintiff.
9 Any payments made shall be delivered to Plaintiff's counsel.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees
11 and costs, and does not constitute an admission of liability on the part of Defendant under the EAJA.
12 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims
13 that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and costs in connection
14 with this action.

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act
16 attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

17 Respectfully submitted on October 14, 2010,

18 /s/ Barbara M. Rizzo
19 (As authorized via email)
20 BARBARA M. RIZZO
21 Attorney for Plaintiff

22 MELINDA L. HAAG
23 United States Attorney
24 LUCILLE GONZALES MEIS
25 Regional Chief Counsel, Region IX
Social Security Administration

26 /S/ Armand D. Roth
27 ARMAND D. ROTH
28 Special Assistant U.S. Attorney

1 ORDER
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5 APPROVED AND SO ORDERED:
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9 Dated: Oct. 18, 2010
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